IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.4093 of 1997
DATED 29-1-2007

BETWEEN
Smt.Vadaga Tavitamma

..
Petitioner

And

The A.P.S.E.Board rep by its Member Secretary,
Vidyut Soudha, Somajiguda, Hyderabad
And 2 others.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.4093 OF 1997

ORDER:

The relief sought for in this writ petition is for a direction to the respondents – Andhra Pradesh State Electricity Board (APSEB) to treat the petitioner as regular revenue casher and to regularize her services from the date of her initial appointment and to pay her the scales attached to the post as revised from time to time with all consequential benefits.

According to the petitioner, she passed Intermediate and was appointed on 1.9.1992 on commission basis. She was entrusted with the duties of revenue cashier in the office of the 2nd respondent – The Superintending Engineer (Operation), APSEB, Srikakulam. She approached this Court in the year 1997 contending that for the past five years, she was continued in service without giving her the benefit of scale of pay attached to the said post. She would seek regularization in terms of G.O.Ms.No.212 dated 22.12.1994 on the ground that she completed five years of service and, therefore, she is entitled for the benefits thereunder.

A counter affidavit is filed on behalf of the respondents wherein it is stated that the petitioner was not appointed by the Board nor was she entrusted with any duties by the Board. Respondents would also contend that the petitioner is working under the control of the 2nd respondent. It is stated that the revenue collection of E.R.O/Srikakulam in respect of Srikakulam town has been entrusted to the President, Rotary Club, a voluntary organization at Srikakulam by the Board as per the agreement entered into by the 2nd respondent vide letter dated 20.4.1988. The Board has paid the remuneration to the President, Rotary Club through bankers cheque. It is stated that since the

petitioner was not employed on daily wages or NMR basis or on consolidated pay, G.O.Ms.No.212 dated 22.4.1994 is not applicable to her case and that the petitioner was not entitled for regularization of her services in terms of Memo dated 22.4.1994 as the petitioner was not appointed by the Board.

Since the very fact that the petitioner was working with the respondent Board is disputed and it is stated that her services were engaged by the Rotary Club, Srikakulam and not by the Board, the question of her services being regularized with the respondent Board does not arise. In any event, as held by the Constitution Bench of the Supreme Court in **Secretary, State of Karnataka and others v. Umadevi**[1], no mandamus can be issued directing the authorities concerned to regularise the services of daily wage employees, G.O.Ms.No.212 dated 22.4.1994 has no application inasmuch as the petitioner's services were not engaged by the respondent Board nor was she working with the respondents.

The writ petition fails and it is accordingly dismissed. No costs.

Learned counsel for the petitioner submits that the petitioner is continuing to serve Rotary Club, Srikakulam. It is made clear that this order will not preclude the Rotary Club, Sriakulam, if it so desires,

from continuing the services of the petitioner.

RAMESH RANGANATHAN,J

Dt: 29.1.2007
msv.

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[1] (2006) 4 SCC 1